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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 28 December 2006 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and, with reference to his note of 1 November 2006, has the honour to transmit its report pursuant to paragraph 11 of resolution 1718 (2006) on the steps taken by the Government of Austria to implement paragraph 8 of the above-mentioned resolution (see annex).

07-20706 (E) 190107

Annex to the note verbale dated 28 December 2006 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

Security Council resolution 1718 (2006), implementation by Austria

1. Austria and the other Member States of the European Union (EU) have jointly implemented the restrictive measures against the Democratic People's Republic of Korea (DPRK) imposed by Security Council Resolutions 1718 (2006) by taking the following common measures[1]:

- Council Common Position 2006/795/CFSP of 20 November 2006 concerning restrictive measures against the Democratic People's Republic of Korea[2]

  The Common Position sets out the EU's commitment to implement the restrictive measures set out in Security Council Resolution 1718 (2006) and notably provides for a ban on exports of goods and technology which could contribute to the DPRK's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes, and on the provision of related services, a ban on procurement of goods and technology from the DPRK, a ban on exports of luxury goods to the DPRK, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said DPRK programmes.

  A Regulation will in due course be adopted by the Council of the European Union in order to implement those measures contained in Security Council Resolution 1718 (2006) that fall within the scope of the Treaty establishing the European Community and, therefore, notably with a view to ensuring their uniform application by economic operators in all EU Member States, necessitate Community legislation in order to implement them as far as the Community is concerned. The Regulation will derogate from existing Community legislation that provides for general rules on exports to, and imports from, third countries, and in particular from Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology[3]; most of these items and technology should be covered by this Regulation.

2. In addition, the competent Austrian authorities will apply the following Austrian legislation in implementing the restrictive measures against the DPRK imposed by Security Council Resolutions 1718 (2006):

- With regard to the obligations contained in paragraph 8 (a) to (c) and (f) of Security Council Resolutions 1718 (2006) the War Materials Act (WMA,

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[1] All common measures are published in the Official Journal of the European Union, which can be consulted through the following web-pages: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form)

[2] OJ L 322, 22.11.2006, p. 32.

[3] OJ L 159, 30.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 394/2006 (OJ L 74, 13.3.2006, p. 1).

Federal Law Gazette I No 57/2001 as amended), the Foreign Trade Act (FTA, Federal Law Gazette I No 50/2005 as amended) and Foreign Trade Regulation (FTAR, Federal Law Gazette II No 121/2006) require an export authorization for the sale, supply, transfer or export of arms and related materiel to third countries and an authorization for the provision of brokering services related to military activities. According to relevant provisions of these instruments, no authorization may be granted to export war materials, etc. to countries under a UN or an EU arms embargo. Non-compliance with the WMA or the FTA constitutes a criminal offence punishable with up to five years of imprisonment or payment of a fine of up to 360 daily rates.

In addition, the Austrian Penal Code (Federal Law Gazette I No 60/1974 as amended) stipulates that the illegal military assistance or support to a party to an armed conflict to which the Republic of Austria is not a party, including the supply of war material in violation of the existing legislation, is punishable with up to five years of imprisonment.

- With regard to the obligation contained in paragraph 8 (d) of Security Council Resolutions 1718 (2006) relating to the freezing of funds, other financial assets and economic resources the Austrian Exchange Control Act (Federal Law Gazette I No 123/2003) stipulates that non-compliance with regulations of the European Community or relevant Austrian Federal Government regulations concerning the freezing of funds is a criminal offence punishable with up to one year of imprisonment.

- With regard to the obligation contained in paragraph 8 (e) of Security Council Resolutions 1718 (2006) to prevent the entry into or transit through the territory of the Republic of Austria of the persons designated by the Sanctions Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, the Austrian Aliens Police Law (Federal Law Gazette I No 157/2005 as amended) and the Law on Residence (Federal Law Gazette I No 100/2005 as amended) empower the competent Austrian authorities to impose the appropriate travel or entry restrictions. The necessary instructions will be issued as soon as such persons have been designated by the Sanctions Committee or by the Security Council.

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Letter dated 9 January 2007 from the Permanent Representative of Serbia to the United Nations addressed to the Chairman of the Committee

With reference to the note dated 1 November 2006 of the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006), I have the honour to inform the Committee of the following.

In line with its international obligations and national legislation (the law on foreign trade in weapons, military equipment and dual-use goods — Official Gazette of Serbia and Montenegro, No. 7, 18 February 2005 — and other laws that fully incorporate relevant criteria from the European Union Code of Conduct on Arms Export), the Republic of Serbia has undertaken the following measures with a view to effectively implementing paragraph 8 of Security Council resolution 1718 (2006):

- it fully implements the ban on the supply, sale or transfer of all goods referred to in subparagraphs (a) (i), (a) (ii) and (a) (iii) of paragraph 8 of Security Council resolution 1718 (2006);
- prevents the provision of technical or advisory support in any form from its territory or by its nationals related to articles referred to in subparagraphs (a) (i) and (a) (ii) of paragraph 8 of Security Council resolution 1718 (2006);
- upon receiving an appropriate list from the Committee established pursuant to resolution 1718 (2006) or from the Security Council, it will freeze all funds, financial and economic assets of persons referred to in paragraph 8 (d) of the resolution;
- upon receiving the above list, the persons and members of their families singled out as responsible by the Committee or the Security Council, including for supporting and promoting the policy of the Democratic People's Republic of Korea regarding that country's nuclear programmes, shall be placed on special lists of foreign nationals in order to prevent them from entering or transiting the territory of the Republic of Serbia.

07-20712 (E) 180107

In the period since the adoption of Security Council resolution 1718 (2006), the competent ministries of the Republic of Serbia:

- have not granted any licence for foreign trade in weapons and military equipment with the Democratic People's Republic of Korea;
- have not granted any licence for the export, import, transport or transit of the above-mentioned controlled goods;
- have prevented that any form of technical or advisory services, referred to in paragraph 8 (c) of Security Council resolution 1718 (2006) be provided from the territory of the Republic of Serbia or by its nationals, and have not authorized the use of funds, financial assets or economic assets to persons referred to in paragraph 8 (d) of the resolution.

(*Signed*) Pavle **Jevremović**
Permanent Representative

United Nations S/AC.49/2007/3

Security Council

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11 January 2007

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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 10 January 2007 from the Permanent Mission of Indonesia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Indonesia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and, with reference to the note verbale dated 1 November 2006, has the honour to submit the Indonesian national report (see annex).

07-20833 (E) 220107

Annex to the note verbale dated 10 January 2007 from the Permanent Mission of Indonesia to the United Nations addressed to the Chairman of the Committee

NATIONAL REPORT

Implementation of Security Council Resolution 1718 (2006)

1. The Government of the Republic of Indonesia has taken note of the adoption of United Nations Security Council Resolution 1718 (2006).

2. The Government of the Republic of Indonesia has informed the relevant agencies of Indonesia's obligations under resolution 1718 (2006) and has subsequently convened an interagency meeting to finalize its report.

3. The Government of the Republic of Indonesia is committed to taking necessary steps to implement the provision of operative paragraph 8 of UN Security Council Resolution 1718 (2006) in accordance with the relevant Indonesian law and regulations.

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Security Council

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12 January 2007

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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 10 January 2007 from the Permanent Mission of the State of Qatar to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the State of Qatar to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea, and, in reference to his note dated 1 November 2006 regarding the implementation of Security Council resolution 1718 (2006), has the honour to inform the Committee of the measures taken by the Government of the State of Qatar as required by the resolution.

The Government of the State of Qatar has informed the competent national authorities (Ministry of the Interior, Ministry of Economy and Trade, Customs and Ports General Authority, Qatar Central Bank, Qatar Airlines, Qatar Marine Authority) of the requirements of the resolution. Accordingly, the competent authorities informed that they will freeze the assets and funds of the individuals and entities that the Committee determines are involved in the nuclear activities of the Democratic People's Republic of Korea, as well as enforce the travel ban of those individuals, as soon as the Committee's list is issued.

07-20827 (E) 220107

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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Letter dated 15 January 2007 from the Permanent Representative of Lithuania to the United Nations addressed to the Chairman of the Committee

In reply to your note of 1 November 2006 and with apologies for the delay, I have the honour to submit the national report of the Republic of Lithuania to the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea (see annex).

(*Signed*) Dalius **Čekuolis**
Permanent Representative

07-21295 (E) 250107

Annex to the letter dated 15 January 2007 from the Permanent Representative of Lithuania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006)

National Report by the Republic of Lithuania to the Security Council Committee established by pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Pursuant to paragraph 11 of the Security Council resolution 1718 (2006), Lithuania submits to the Security Council the following information concerning the steps taken by the EU and nationally by Lithuania with a view to implementing effectively the provisions of paragraph 8 of the above-mentioned resolution.

Lithuania implements its policies towards the Democratic People's Republic of Korea together with the other member states of the European Union. In its conclusions adopted on 17 October 2006, the Council of the European Union indicated that the EU would fully implement the provisions of all relevant UNSC Resolutions and notably of Resolution 1718 and of Resolution 1695. The Council confirmed that it would immediately take the necessary steps to that end.

On 22 November 2006, the Council of the European Union adopted Common Position 2006/795/CFSP containing provisions on embargo on arms, related materiel and other goods and technology listed by the United Nations, prohibition of procurement of the said items, ban on providing related services, embargo on luxury goods, restrictions on admission and freezing of funds and economic resources of certain persons, as well as commitment to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, ballistic missiles and their means of delivery, related materials and technology. The Council Regulation regarding most of these restrictions is still pending for adoption.

Concerning national legislation regarding arms embargo, a draft resolution of the Government of the Republic of Lithuania appending the list of the states under embargo has been prepared and will be adopted by the Government in the end of January. Nevertheless, the rigorous national export control policy towards the Democratic People's Republic of Korea is implemented and covers restrictions of the transfers of conventional arms, dual-use goods and items related to nuclear, chemical, biological and missiles activities.

Lithuania has the following legislation requiring authorisations for the sale, supply, transfer and brokering of arms and related materials and imposing penalties in case of breaches of national procedures: Law on the Control of Strategic Goods of 29 April 2004 (as last amended on 6 April 2006); Resolution of the Government of the Republic of Lithuania No 932 "On the Approval of the Licensing Rules for Export, Import, Transit and Brokering of Strategic Goods and the Rules of Implementation of the Control of Strategic Goods" of 22 July 2004 (as last amended 29 June 2006); Law on the Implementation of Economic and Other Sanctions of 22 April 2004; Resolution of the Government of the Republic of Lithuania No 237 "On the Approval of the List of the States to which the Export or Transit of the Goods Listed in the Common Military List Is Prohibited and for which Brokering Is Prohibited in Negotiations and

Preparing and Implementing Transactions in the Goods Listed in the Common Military List Is Prohibited" of 1 March 2005 (as last amended 1 June 2006); Penal Code of the Republic of Lithuania of 26 September 2006 (as last amended on 12 December 2006) and Code on Violations of Administrative Law of the Republic of Lithuania of 13 December 1984 (as last amended on 16 November 2006).

The items subject to nuclear, chemical, biological and missiles but not listed in the European Union Common Military List and Annex I of Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology are controlled under the "catch-all" provision of Article 4 of the said regulation.

Concerning embargo on luxury goods, restrictions on admission and freezing of funds and economic resources, competent Lithuanian authorities have been informed about imposed restrictive measures in order to exercise exclusive vigilance towards the Democratic People's Republic of Korea. The information on imposed sanctions has been uploaded on the website of the Ministry of Foreign Affairs of the Republic of Lithuania (http://www.urm.lt/index.php?-818762405).

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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 11 December 2006 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Greece to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and with reference to his note dated 1 November 2006, has the honour to submit the Greek national report (see annex).

07-21301 (E) 250107

Annex to the note verbale dated 11 December 2006 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Committee

Report by Greece

Submitted pursuant to paragraph 11 of
Security Council Resolution 1718
of 11 December 2006

Greece has the honour of informing the Security Council of the following steps taken with a view to implementing effectively the provisions of paragraph 8 of United Nations Security Council Resolution (UNSCR) 1718 of 14 October 2006.

According to Law 92/1967 on the implementation of United Nations Security Council Resolutions, any Resolution based on article 41 of the U.N. Charter: a) is published in the (state) Official Gazette by Ministerial Decision and b) is implemented through the issuance of a Presidential Decree. Such Decree further specifies the prohibitions provided for in the resolution. Any violation of the provisions of the aforementioned Presidential Decree is subject to imprisonment up to five years or to a fine or to both.

As far as UNSCR 1718 is concerned, the relevant Ministerial Decision has already been published (Official Gazette Issue A' 240, 14.11.2006) and the procedure for the issuance of the relevant Presidential Decree is under way

More Specifically, the implementation of the UNSCR 1718 **restrictions on the sale of** arms to the Democratic People's Republic of Korea (North Korea), the Greek government would like to inform on the following steps taken:

According to Article 3 of Greek Law 2168/1993 concerning the transfers of Arms it is prohibited without a specific license from the Ministry of Economy and Finance, after consultations with other competent Ministries, i.e. Ministry of Foreign Affairs, Ministry of Defense and Ministry of Public Order, to export weapons of any kind and defence related material. Article 3 applies to any situation where items are transferred from Greece to another country, including EU member states, regardless if the transfer takes place in relation to export, or re-export. Export licenses will not be issued to third countries violating UNSCR 1718. For transit and transhipment of the above noted items, a transit and transhipment license must be issued in accordance to article 4 of the same Law.

To date there is no legal basis which covers brokering activities for arms in Greece. As a result efforts are underway to amend and update Law 2128/1993 by including, among other things, legal provisions for brokering.

Furthermore, and in accordance to separate Ministerial Decisions issued by the Ministry of Economy and Finance, it is prohibited to transport weapons of any kind and defence-related material. to any country that is under a UN, EU, or OSCE arms embargo. A new Ministerial Decision concerning Korea is under publication.

Violation of the abovementioned rules is a criminal offence punishable by fine and/or imprisonment in accordance to specific articles of Law 2168/93.

The legal basis for control of **dual-use items** in Greece is EU Regulation 1334/2000. Through this Regulation and the control list (EU Regulation 394/2006) Greece controls the export of dual-use items listed by the various export control regimes. Applications for export license concerning products listed in UNSRC 1718, paragraph 8, (a), (ii) will not be approved. Applications for export license concerning other listed products will be considered with utmost vigilance.

According to the EU Regulation a license is required, if exporters have grounds for suspecting that certain exports may be related to WMD (1334/2000, art. 4, paragraph 5), even if the item is not listed in the EU Regulation control list (catch-all). Applications for export licenses concerning these cases will be considered with utmost vigilance.

The EU Regulation is supplemented by national legislation (Ministry of National Economy N.125695/E3/5695 25.10.2000)[1] describing the national administration of the Regulation, including penal sanctions in case of violation. This Ministerial Decision includes an amendment prohibiting **technical assistance** with regards to dual-use itemsespecially if these items can be associated in any way with WMD. (Technical assistance is defined as any technical support related to repairs, development, manufacture assembly, testing, maintenance or any other technical service, that may take form of as instruction, training, transmission of working knowledge or skills or consulting services).

The maximum penalty for offences related to this Decision is imprisonment and an unlimited fine. In case of aggravating circumstances and when the violation is related to WMD the offence is covered by the Criminal Code.

For a more detailed description of the Greek export control regime regarding weapons and defence related materials reference is made to Greece's reports to the 1540 Committee.

Regarding the restrictions on admission of **persons, entities and bodies** (that will be drawn up on a list by the UN) these restrictions will be implemented in accordance with existing legislation, which gives this authorisation to our Ministry of Public Order.

With regard to the **restrictive measures concerning sensitive goods and technology, luxury goods and the freezing of funds and economic resources** Greece participates actively in the ongoing negotiations within the European Union concerning the steps to be taken by the EU with a view to implementing effectively these provisions of paragraph 8 of resolution 1718.

[1] The Ministry of National Economy has been renamed to Ministry of Finance and Economy

In its conclusions adopted on 17 October 2006, the Council of the European Union confirmed that the EU would fully implement the provisions of all relevant UNSC Resolutions and notably of Resolution 1718 adopted on 14 October 2006 and of Resolution 1695 adopted on 15 July 2006. The Council stated that it would immediately take the necessary steps to that end.

The EU immediately initiated the preparation of legal instruments implementing the provisions of paragraph 8 of Security Council resolution 1718 (2006). Preparations are under way to adopt without delay a Council Common Position and a Council Regulation. Further information will be provided to the Security Council, once the Common Position and Regulation have been adopted.

Under general European law principles, a Council Regulation is directly applicable in Greece without the need for domestic implementing legislation. Nevertheless, Greece will carefully consider whether there is a need to take additional measures nationally, once the Council Common Position and the Council Regulation has been adopted.

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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Letter dated 14 December 2006 from the Permanent Representative of the Netherlands to the United Nations addressed to the Chairman of the Committee

On the instruction of my Government, I have the honour to submit to you the report of the Kingdom of the Netherlands on the implementation of resolution 1718 (2006) (see annex). The Netherlands understands and appreciates that the present letter and its annex will be circulated as a document of the Security Council.

I would like to take this opportunity to reaffirm our commitment to providing the Committee with any additional information that the Committee deems necessary or may request.

(*Signed*) Frank **Majoor**
Ambassador
Permanent Representative

07-21319 (E) 220107

Annex to the letter dated 14 December 2006 from the Permanent Representative of the Netherlands to the United Nations addressed to the Chairman of the Committee

Netherlands report on efforts towards implementation of Security Council resolution 1718 (2006)

Pursuant to paragraph 11 of Security Council resolution 1718 (2006) I have the honour to inform you about the steps taken by the Netherlands Government to implement the provisions of paragraph 8 of the resolution.

Member States of the European Union implement the provisions of United Nations Security Council resolutions that fall within the scope of the competence of the EU via European Regulations and Common Positions. The Finnish Presidency has informed you by letter of November 13th about the steps taken by the European Union in this respect. As soon as the European Regulation and the Common Position are adopted, the Netherlands minister of Foreign Affairs, in cooperation with the other ministers concerned, will lay own the necessary national provisions in secondary legislation, within the framework of the Sanctions Law 1977.

Pending the adoption of the European Regulation and the Common Position, the competent authorities will not grant any export licence for the supply of any military equipment or nuclear material to the Democratic People's Republic of Korea. Neither does the Netherlands, within the framework of existing legislation, grant export licences for goods and technologies controlled by the Convention on Chemical Weapons, the Australia Group, the Nuclear Suppliers Group and the Missile Technology Control Regime.